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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,248	12/17/2001	James B. Nichols	04259.P077	7448

7590 06/01/2005

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,248	Applicant(s) NICHOLS ET AL.	
	Examiner Jorge L. Ortiz-Criado	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 35-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/2003/02/2002</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species Fig. 3, claims 1,3-6 and newly submitted claims 35-44 in the reply filed on 05/16/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claims 1, 4-6, 35, 37, 39-40 and 42-44 are objected to because of the following informalities:

Claims 1, 35 and 40 recite ("**disk-related information**"), and it is unclear if the limitation in **(parenthesis)** is part of the claim.

Claims 6, 39, 40 and 44 further limit the feature of **disk-related information**, but it is unclear if the feature being limited is part of the claim.

Claim 5 recite "has algorithm" in the second line of the claim, and should be "hash algorithm."

Claims 4, 37 and 42, recite the limitation "MD5", and should be "Message Digest 5 (MD5)."

Claim 43 recite the limitation "MD5 hash" in the second line of the claim, and should be "MD5 hash algorithm"

Claim 44 recite a computer-readable medium as in "claims 35" and should be as in "claim 40"

Appropriate correction is required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, 35, 39, 40 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. U.S. patent No. 6,304,523.

Regarding claim 1, Jones et al. discloses a method comprising:

reading one or more track offsets from a disk; encoding said offsets into an identification code; and performing a database lookup using said identification code to identify information associated with said disk in said database ("disk-related information") (see col. 5, lines 25-66)

Regarding claim 6, Jones et al. discloses wherein said “disk-related information”/
information associated with said disk comprises disk titles and disk tracks titles (See Fig. 5)

Regarding claims 35, 39; 40 and 44, apparatus and computer-readable medium claims 35, 39; 40 and 44 are drawn to the apparatus and medium for performing the corresponding method claimed in claims 1 and 6. Therefore apparatus and computer-readable medium claims 35, 39; 40 and 44 correspond to the method claims 1 and 6 and are rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 36-37 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. U.S. Patent No. 6,304,523 in view of Commons et al. US Pub. No. 2002/0069195.

Art Unit: 2655

Regarding claim 3, Jones et al. discloses all the limitations of claim 1 as outlined above and further Jones et al. discloses executing an **algorithm** to generate the identification code. But does not expressly disclose a “hash” algorithm.

However, this feature is well known in the art and is evidenced by Commons et al., which discloses a method including reading data from a disk, encoding said data into an identification code and performing a database lookup using said identification code wherein the encoding comprises executing a hash algorithm to generate said identification code (see paragraphs [0039-0042]; [0058])

It would have been obvious to one with an ordinary skill in the art at the time of the invention to generate the identification code using a “hash” algorithm in order to obtain unique identifiers codes which represents the data read from the disks and uniquely the identification of the disks in the database.

Regarding claim 4, Jones et al. in combination with Commons et al, shows wherein said hash algorithm is an MD5 hash algorithm (see Commons paragraphs [0058])

Note: Furthermore Message Digest 5 (MD5) hash algorithm is well known in the art and applicant is admitting the same as recited below:

As in page 9, line 21 to page 10 line 9 “ *the hash function applied is an Message Digest 5(“MD5”) hash. MD5 is a popular one-way hash function used to create message digest for digital signatures...In one specific implementation, the MD5 hash is rendered in a 128-bit,*

Art Unit: 2655

Base64 format. Base-64 is an encoding method that converts binary data into ASCII text (and vice versa)...

Assuming arguendo that the above is not applicant's admission of prior art, the features are taught by the Commons et al reference as used above.

Regarding claims 36-37 and 41-42, apparatus and computer-readable medium claims 36-37 and 41-42 are drawn to the apparatus and medium for performing the corresponding method claimed in claims 3-4. Therefore apparatus and computer-readable medium claims 36-37 and 41-42 correspond to the method claims 3-4 and are rejected for the same reasons of obviousness as used above.

5. Claims 5, 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. U.S. Patent No. 6,304,523 in combination with Commons et al. US Pub. No. 2002/0069195 and further in view of Gibbs et al. U.S. Patent No. 6,085,321.

Regarding claim 5, the combination of Jones et al. with Commons et al. shows all the limitations of base claim 4 as outlined above, Commons teaches using an MD5 hash algorithm to create the identification codes, but does not expressly disclose rendering in a Base-64 format.

However, this feature is well known in the art and is evidenced by Gibbs et al., which discloses a method of generating identification codes encoding data executing a hash algorithm wherein the hash algorithm is an MD5 hash algorithm and further rendered in a Base-64 format (see col. 3, lines 1-39)

It would have been obvious to one with an ordinary skill in the art at the time of the invention to render the MD5 hash algorithm in a Base-64 format in order to employ the MD5 hash algorithm obtaining uniqueness of the identification codes into the database lookup.

Note: Note: Furthermore Base-64 is well known in the art and applicant is admitting the same as recited below:

As in page 9, line 21 to page 10 line 9 “ *the hash function applied is an Message Digest 5(“MD5”) hash. MD5 is a popular one-way hash function used to create message digest for digital signatures...In one specific implementation, the MD5 hash is rendered in a 128-bit, Base64 format. Base-64 is an encoding method that converts binary data into ASCII text (and vice versa)...* ”

Assuming arguendo that the above is not applicant’s admission of prior art, the features are taught by the Gibbs et al. reference as used above.

Regarding claims 38 and 43, apparatus and computer-readable medium claims 38 and 43 are drawn to the apparatus and medium for performing the corresponding method claimed in claim 5. Therefore apparatus and computer-readable medium claims 38 and 43 correspond to the method claim 5 and are rejected for the same reasons of obviousness as used above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-

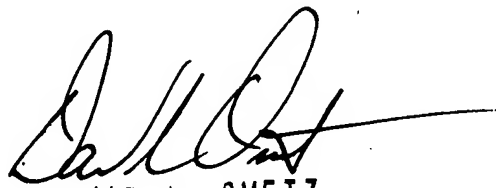
Art Unit: 2655

7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ
PRIMARY EXAMINER